

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, January 10, 2013 7:32 - 10:08 PM

Location: Large Hearing Room, Town Building, 41 Cochituate Road, Wayland, MA

Present: Commissioners: Roger Backman, Markey Burke, Barbara Howell, Larry Kiernan,
Chairman: Andy Irwin, **Conservation Administrator:** Brian Monahan

Minutes: Andrea Upham

Not present: Ted Harding, John Sullivan

A.Irwin opened the meeting at 7:32PM noting that a quorum was present.

1. 7:32 pm – Citizens Time

No comments were offered.

2. Minutes – December 20, 2012

Motion to approve the December 20, 2012 Minutes as edited; Seconded 5-0

3. Miscellaneous

a. Town Center Update

A.Irwin reported to the Commission that Mr. Dundon will be doing one more status report, after which R.J. O'Connell will no longer be doing the reporting. Mr. Robert Griffin will be the new P.E. on the project. A.Irwin and B. Monahan met with Mr. Griffin recently and discussed the Commission's expectations on the project.

b. Rice Road Dam Gate House

A.Irwin reported that he visited the gate house with B.Monahan and spoke to Mr. Antonell about the valve operation, and it is thought that the 18" diameter pipe that enters the dam below the emergency spillway may be blocked downstream of the gate house. A.Irwin has identified to J.Moynihan names of people who do sewer inspection to check whether the pipe can be used/repared to lower water behind the dam. Additionally, A.Irwin explained that the second action item is to get a mason contractor hired to take the existing emergency spillway and restore it to its original dimensions of depth and width. B. Monahan is looking for original design dimensions. Currently, the bottom level of the emergency spillway appears to be higher, so there is a certain static level in the dam resulting in less storage volume available behind the dam when peak storm flow might exceed the emergency spillway. A.Irwin added that we are going to seek support from the Wayland Historical Commission to put in a proposal to the CPC for funding for the interior access structures of the gatehouse based on its historic nature.

- 3. 7:40 pm – Continued Public Hearing, Robert & Tracy Moser, Applicants, 9 Old Farm Circle; DEP File No. 322-791:** Notice of Intent filed pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194 by Robert & Tracy Moser proposing to raze the existing one-story wood frame single family structure and construct a new home on the existing foundation with the exception of a 4-foot expansion on the east side of the

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garage at 9 Old Farm Circle, Wayland. The property is shown on Wayland's Assessor's Map 38, Parcel 67.

Robert and Tracy Moser, Applicants, were present. B.Monahan had received the revised plan from Mr. DiPersio, and the updates were reviewed by the Commission and determined to be in order with their requests.

Motion to close the hearing under the Wetlands Protection Act; Seconded 5-0
Motion to close the hearing under the Chapter 194 Bylaw; Seconded 5-0

Brief discussion ensued about the recommended performance guarantee, and A.Irwin explained the procedure to Mr. and Mrs. Moser.

Motion to require a performance guarantee of \$1000; Seconded 5-0

3. Informal Discussion: 9 Reservoir Road proposed single-family lot redevelopment

Joe and Melissa Hicklin were present for the discussion. Mr. Hicklin summarized that they **would** like to build a new home on the property and produced a plan previously done by Schofield Brothers to review with the Commission. B.Monahan noted that the stream which is characterized as intermittent would have to be documented. A.Irwin explained the process that the stream would be presumed perennial until evidence is presented otherwise. Mr. Hicklin explained he had previously spoken with B.Monahan regarding questions about the reservoir itself being a river. Mr. Hicklin received an email from Schofield Engineering and read it to the Commission.

A.Irwin suggested to Mr. Hicklin that he look at documentation for Mill Pond, where it was characterized as "riverine." The Millbrook decision contained information confirming that there was a section that didn't freeze, which showed riverine characteristics. B.Monahan explained that they would be wise to get a copy of the DEP decision on Mill Pond. A.Irwin referenced concern about the steep slope. B.Monahan explained that it should be determined what percent of riverfront area is being altered by the septic system and whether the location of the home/septic could be moved a bit further away. Mr. Hicklin briefly explained the plan that was laid out for trenches, moving from three to four, adding that if the house is moved a little to the south they could perhaps return to only needing three trenches, which might help.

Discussion ensued about consideration for alternative plans for the reserve area which would allow for less tree cutting in riverfront, which A.Irwin urged is preferable. A.Irwin summarized items for consideration in an application, such as including stockpiling areas, laydown areas, and generally giving thought to disturbances which would come about during construction to cover in the application. B.Monahan added that project sequence is important, urging that they start from the septic and then move to the house. Mr. Hicklin said that Schofield Engineering will be filing a Notice of Intent. Brief discussion ensued about the Commission's tree replacement policy and the Hicklins were provided with a copy of the guidelines. A.Irwin stated that if there is in fact a "riverine" finding, there would need to be more in-depth discussions and there may need to be an adjustment to the area of alteration. A.Irwin explained to Mr. Hicklin that our local regulations will provide guidance as to how to best address the riverfront aspects of the proposal.

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4. **8:10 p.m. – Public Hearing, Boston Gas Company (dba National Grid), Concord Road/Lincoln Road, DEP File No. 322-793:** Notice of Intent filed pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, by Boston Gas Company (dba National Grid) proposing to remove an above-ground gas regulation station, the installation of a new gas regulator and 40-feet of 4-inch gas line. All work will be within disturbed land associated with the right-of-way of Concord Road. Work is within the right-of-way of Concord Road at junction of Lincoln Road, Wayland.

Andrea Kendall of Mason Associates was present for the discussion, along with Sam Uwaifo, National Grid Engineer. Ms. Kendall summarized that National Grid had submitted a Notice of Intent for the proposed relocation of the existing gas regulator station. The plan was reviewed and summarized. Ms. Kendall and Mr. Uwaifo explained that the above-ground gas regulator station acts like a transformer taking high pressure to low pressure; National Grid buys from the Tennessee Gas Pipeline. Ms. Kendall explained that the above-ground system is susceptible to ill effects, which is why it is desirable to relocate it and place it underground. Wetlands and waterways were reviewed on the plan and it was noted that the whole project area is within the 100-foot buffer zone to wetlands. Ms. Kendall explained that National Grid wants to relocate 140 feet east of the existing station to an underground location on the opposite side further from the wetland than the current location. Ms. Kendall explained they will dig a trench and put in a 4-inch gas line across the road to connect to the gas regulator station. Mr. Uwaifo confirmed the excavation of a 1.5 foot area. Ms. Kendall explained that the new gas regulator station will have remote controls to assess and regulate and bollards will be installed to protect the box itself. The electricity to operate the box will be through an underground conduit connecting to the existing utility pole. Ms. Kendall explained the plan for erosion controls which were shown in red on the plan. Ms. Kendall stated that they would like to start work in the early spring and the project should last six to eight weeks. All surfaces will be restored to proper condition.

Mike Lowery confirmed that the project was approved by the Public Works Board. B.Monahan commented that the Commission will want a condition for dewatering specifics as it is a sensitive area. A.Irwin inquired as to any issue with contaminants under the EPA dewatering permit. Mr. Uwaifo commented that the top of the vault is at grade level in the ground and there will be gravel below the vault. A.Irwin explained that there are certain provisions involved which may require a construction dewatering permit from the EPA or may not be required if they can get coordination with the Town's MS4 program that it is allowable under that so it will require coordination. A.Irwin stated that the issues of sediment removal and velocity dissipation is what the Commission will want addressed. B.Monahan commented that it should be determined who is the actual owner of the utility pole and they will be sent a complete decision upon issuance. A.Irwin commented that the Commission will expect a dewatering plan to be submitted by the selected contractor and they should demonstrate either permit exemption or a detailed plan. B.Monahan said the Commission will appreciate a stamped plan and then the matter will be voted at the next meeting. He added that the Commission allows an alternate of Filtermitt for sediment control. A.Irwin commented on the need for information on property ownership and dewatering.

**Motion to continue the hearing to January 24, 2013 at 7:35pm under the Wetlands Protection Act;
Seconded 5-0**

**Motion to continue the hearing to January 24, 2013 at 7:35pm under the Chapter 194 Bylaw;
Seconded 5-0**

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- 5. Informal Discussion with DPW Superintendent: Boston Post Road – Natural Gas Fueling Station**
Don Ouellette, DPW Director, was present for the discussion. D.Ouellette introduced the natural gas fueling station project, explaining to the Commission that there has been much talk about natural gas at many conferences and it has come to reality over the last five years has come with many converting to natural gas. He explained he wants to move this project forward and feels the best site is the old landfill site. A slide presentation ensued, which highlighted the details and benefits of natural gas. The use of an above-ground pressurized tank was discussed and the “Cascade Fast-fill Fueling Station” process was reviewed. D.Ouellette explained that the plan is for public access and a 24-hour operation. A.Irwin asked if the risk is on AVSG or the Town. D.Ouellette responded that though the risk would be on the town, he is trying to do this with 100% grant money, with the total cost to build at approximately \$600K. Diagrams and photos were shown for an existing facility in Nashua.

D.Ouellette showed a 17K square foot area as a prospective location. A.Irwin commented that the site is within the FEMA mapped floodplain area. D.Ouellette said the building is at 123-124 elevation and recalled the area not flooding in the past when flooding was prevalent elsewhere. A. Irwin noted that WPA jurisdiction is based on the FEMA mapping and that he will need to address that jurisdictional factor although the Commission notes that the work is not likely to change flood conditions. L.Kiernan asked who the owner would be, and D.Ouellette said the DPW would own the property but AVSG would have a lease. B.Monahan shared that D.Ouellette is meeting with Natural Heritage next week and commented that there will be less resistance if they stay within the existing disturbed area footprint. B.Monahan commented they would need to do something for stormwater. The potential for historic fill was discussed, and A.Irwin asked D.Ouellette if they are doing any exploratory work, to please let the Commission know. D.Ouellette commented that the Planning Board wants the matter put off until Fall to review traffic concerns, etc. Discussion ensued on potential savings to Town, and D.Ouellette outlined that the benefit to the DPW alone for fueling their vehicles would be dramatic. A.Irwin commented that if the project is within riverfront, consideration should be given to an alternatives analysis and additional requirements for activities conducted by municipal entities that may be different than private parties.

6. Request for Certificate of Compliance [310 CMR 10.05 (9)]

- a. Sage Hill; DEP File No. 322-736 – Discussion

Rick Olstein was present for the discussion. A.Irwin raised the issue of the area not yet being entirely stable, and the Commission is disinclined to vote on the Certificate of Compliance on that piece that is not stable. Mr. Olstein responded that the urgency to close is not critical so we can look toward spring. A.Irwin concluded that they can stabilize the area and the Commission can hopefully issue the Certificate of Compliance in early spring. B.Monahan encouraged Mr. Olstein to consider putting some matting down on that area to then be ahead of the game. Mr. Olstein will move forward and will have B.Monahan inspect when appropriate.

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- b. 9 Barney Hill Road; DEP File No. 322-760

B.Monahan recommended that a vote be taken to issue and hold the paperwork pending a favorable site inspection which he will conduct.

Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act pending a favorable site inspection; Seconded 5-0

Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw pending a favorable site inspection; Seconded 5-0

- c. 103 East Plain Street; DEP File No. 322-779

Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0

Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 5-0

B.Monahan will send the owner a letter about mowing requirements and maintaining the no-disturb area

7. Land Management

- a. Beavers

B.Monahan will send another communication to the Lee Road neighbors.

8. Issuance of Order of Conditions/Chapter 194 Permit

- a. 9 Old Farm Circle; DEP File 322-791

Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 5-0

Motion to issue an Order of Conditions under the Wetlands Protect Act; Seconded 5-0

- b. Lundy Lane; DEP File 322-792

Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 5-0

Motion to issue an Order of Conditions under the Wetlands Protect Act; Seconded 5-0

Motion to require a Performance Guarantee of \$1200; Seconded 5-0

9. Request for Certificate of Compliance [310 CMR 10.05 (9)] - continued

- a. 28 Pequot Road; DEP File No. 322-782

B.Monahan recommended the Certificate be issued noting administrative exceptions on the form, along with the usual wording that no further work is required.

Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0

Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 5-0

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10. Citizen Inquiries

A.Irwin reported on upcoming NStar roadway work in jurisdictional areas. The issue is they are maintaining roadways so they are more passable. They may put down some gravel. NStar gave us notice in March 2012 of their intention asking to let them know of any issues we might have. B.Monahan commented that there are areas where there aren't roads, such as beyond Russell's. A.Irwin recommended B.Monahan contact NStar and conduct a site walk, adding that if NStar is talking about construction of a new roadway vs. maintenance of an existing roadway, they would need to file with the Commission. M.Lowery commented that someone from the DPW would like to attend the site walk when it takes place.

11. Other

a. Tree Committee

B.Monahan reported that T.Harding will participate in the committee but has schedule conflicts with the first two meetings. B.Monahan added that he would suggest slowing down and commented to S.Sarkisian to not move ahead for the May timeframe so that things are not rushed. A.Irwin and B.Monahan will attend meeting and share those thoughts.

b. Annual Town Meeting Warrant Articles

A.Irwin reported that the process is moving ahead for 74 Plain Road, which was already voted by the Commission. A.Irwin commented that after the Commission voted to submit an article that would transfer care and custody of the Lord Parcel to the Commission he received from F.Turkington and M.Lanza an article to convey most of the property to Conservation but where the roadway access to the transfer station would become permanent access to that location including 25-feet off center line on either side. To address the loss of conservation land with making the road permanent, A.Irwin proposed a plan to F. Turkington that land in the area of the back half of the Economic Development parcel, land south of the landfill and transfer station and land east of the landfill extending up to River Road were desirable areas for conservation protection. The Commission would get about 23 acres of the Lord parcel, leaving about two acres around the roadway. The amount of compensatory land should be well in excess of 2 acres.

c. B.Monahan, B.Howell and A.Irwin attended a site visit with the Historic Commission and got confirmation that Historic would likely not have a problem if the existing borrow area at Sand Hill on the Lord Parcel ("moon pit") was backfilled with excess clean material from the DPW construction site. Historic was emphatic that there would be no new excavation on Sand Hill. The filling of that area would stabilize slopes; it was agreed that all depends on how much soil the DPW project generates for restoring grades. Elsewhere on the walk, where a new cut through the slope to the north of the landfill is proposed, the Historic Commission identified some potential Native American artifacts.

d. Tree Removal – 11 Old Sudbury Road

B.Monahan reported on a request for tree removal by the homeowner which wasn't included in the original application. The tree is right on the brook. The Commission agreed to allow the applicant to pursue an amendment.

e. Motion to approve the contract for engaging appraisal services of Avery Associates for \$3,000 for appraisal of 74 Plain Road; Seconded 5-0

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12. Correspondence/Expenditures

13. Adjournment

Motion to adjourn at 10:08pm; Seconded 5-0

The next Conservation Commission Meeting is scheduled for **Thursday, January 24, 2013** in the Wayland Town Building.

NOTE: Per changes to the Open Meeting Law, notice of any meeting of a public body shall include “A listing of topics that the chair reasonably anticipates will be discussed at the meeting”. AG’s Office guidelines state that the list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
December 21, 2012 to January 10, 2013**

December 21, 2012

322-785 Post-construction photos of 5 White Road from Ken Chase
Board of Appeals Hearing Notice for Habitat for Humanity permit, 89 Stonebridge Road
Memo re: Certification of Planning Board Action on Pheasant Run from S.Sarkisian

December 26, 2012

322-701/744 Town Center Inspection Reports from RJ O'Connell

December 27, 2012

322-710 Fieldstone Estates Inspection Reports from H2O Engineering

December 31, 2012

322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering

January 2, 2013

322-624 Inspection Report on Wayland Commons from Sullivan, Connors
Letter from Framingham resident re: historical fishing art

January 3, 2013

RDA for garage and driveway construction at 231 Concord Road from Wendy Safe

January 4, 2013

ZBA continued hearing notice for Barbara Jordan, 1 Wildwood Road

January 7, 2013

Letter to DPW from Historical Commission re: historical aspect of proposed DPW facility
NOI from Weston & Sampson for proposed DPW facility
Abutter notification letter from Weston & Sampson re: proposed DPW facility
322-770 Permit reporting requirements for 10 Covered Bridge Lane from Samiotes
Board of Appeals 1/22/13 Hearing Notice (120 Old Connecticut Path, 63 Edgewood Road, 180 Oxbow Road)

January 8, 2013

Additional plans and CD of NOI package for DPW Facility from Weston & Sampson

January 9, 2013

Appraisal proposal for 74 Plain Road from Avery Associates
Request to conduct soil borings on River Road from Tata & Howard on behalf of DPW
322-710 Inspection Report on Fieldstone Estates from H2O Engineering

LIST OF EXPENDITURES December 21, 2012 to January 10, 2013

No items to report